

Application No. 09/408,873

REMARKS

The Office Action of July 1, 2005 has been carefully considered. Reconsideration of this application is respectfully requested.

Claims 18, 20 and 25-42 are pending in this application. Of these, claims 18, 25, and 29 are independent claims. An Amendment mailed September 29, 2003 amended claims 1, 9, 18, 21 and 29. An Amendment faxed February 5, 2004, which was entered by filing an RCE faxed March 5, 2004, amended claims 18 and 29 and canceled claims 1-17 and 21-24. An Amendment faxed June 9, 2004 amended claims 18 and 29-30, canceled claim 19, and added new claims 31-42. An Amendment faxed October 26, 2004 amended claim 26 entered by an Advisory Action mailed December 28, 2004.

1. Request To Maintain Appeal

In response to an Appeal Brief filed by Applicant on March 28, 2005, the Office Action reopens prosecution. Applicant respectfully requests that the Applicant's Appeal be maintained under 37 C.F.R. 41.39(b)(2), and submits in response the Reply Brief set forth in the Appendix submitted herewith. Should this request be denied for any reason, Applicant responds to the Office Action as set forth in sections 1.A and 1.B below.

1.A Response To Rejection Under 35 USC 103(a) Involving New Grounds Of Rejection

The Office Action in sections 14-17 on pages 7-11 rejects claims 18, 20, 29-33, and 38-40 under 35 USC 103(a) as being unpatentable over Saund US 5,528,290 (hereinafter referred to as "Saund") in view of Chevrette et al., U.S. Patent 5,744,179 (hereinafter referred to as "Chevrette"). In response thereto, Applicant submits arguments set forth in section VII.A of the Reply Brief set forth in the Appendix submitted herewith, which are incorporated herein by reference. Accordingly, Applicant respectfully submits that independent claims 18 and 29 are patentably distinguishable over Saund taken singly or in combination with Chevrette. Insofar as claims 20, 30-33, and 38-40 are concerned, these claims depend from one of now presumably allowable independent claims 18 and 19 and are also believed to be in allowable condition.

1.B Response To Rejection Under 35 USC 103(a) Involving Sustained Rejections

The Office Action in sections 21-24 on pages 12-14 rejects claims 25-27 under

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35 USC 103(a) as being unpatentable over Anderson US 6,657,667 B1 (hereinafter referred to as "Anderson") in view of Chevrette. In addition, the Office Action sets forth a response to Applicant's arguments related to claims 25-27 in sections 4-9 on pages 2-6 of the Office Action.

Also, the Office Action in sections 25-26 on pages 14-15 rejects claim 28 under 35 USC 103(a) as being unpatentable over Anderson in view of Chevrette, in further view of Kang et al., US 6,256,058 B1 (hereinafter referred to as "Kang"). In addition, the Office Action sets forth a response to Applicant's arguments related to claim 28 in sections 10-11 on pages 6-7 of the Office Action.

Further, the Office Action in sections 27-28 rejects claims 36-37 under 35 USC 103(a) as being unpatentable over Anderson in view of Chevrette, in further view of Ejiri et al., US Patent No. 6,104,840 (hereinafter referred to as "Ejiri"). In addition, the Office Action sets forth a response to Applicant's arguments related to claims 36 and 37 in sections 12-13 on page 7 of the Office Action.

In response thereto, Applicant submits arguments set forth in sections VII.B-D of the Reply Brief set forth in the Appendix submitted herewith, which are incorporated herein by reference. Accordingly, Applicant respectfully submits that: claims 25-27 are patentably distinguishable over Anderson taken singly or in combination with Chevrette; claim 28 is patentably distinguishable over Anderson taken singly or in combination with Chevrette and/or Kang; and claims 36-37 are patentably distinguishable over Anderson taken singly or in combination with Chevrette and/or Ejiri.

2. Allowable Claims

Section 29 on pages 16-17 of the Office Action indicates that claims 34, 35, 41, and 42 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The undersigned appreciates this indication of allowable subject matter.

3. Fee Authorization And Extension Of Time

No additional fee is believed to be required for this amendment or response, however, the undersigned Xerox Corporation attorney hereby authorizes the charging of

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any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

4. Conclusion

In view of the foregoing remarks, reconsideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is hereby requested to call Attorney for Applicant(s), Thomas Zell.

Respectfully submitted,



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Date: September 1, 2005